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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/208,629	12/08/1998	SHAUN R. COUGHLIN	06510/060DIV	8370
25226	7590	05/31/2006	EXAMINER	
MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018			PAK, MICHAEL D	
			ART UNIT	PAPER NUMBER
			1646	
DATE MAILED: 05/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Applicants discussed the withdrawal of finality with supervisor Gary Nickol and was advised that the finality will be withdrawn.

Response to Amendment

2. The amendments filed 12 April 2006 and March 31, 2006 have been entered. Claims 1-5, 9-12, and 16-20 have been cancelled. Claims 6-8, 13-15, 21-27 are pending. Claims 13-15 are withdrawn.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Applicant's arguments filed 31 March 2006 have been fully considered but they are not found persuasive.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed composition encompasses

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product of nature such as the whole animal because product of nature are composition which would comprise the polypeptide. It is suggested that a claim limitation which would include that a "hand of man" was involved in the product claim be included.

6. Claims 6-8 and 21-26 are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pak, whose telephone number is (703) 305-7038. The examiner can normally be reached on Monday through Friday from 8:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol, can be reached on (571) 272-083.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.



Michael Pak
Primary Patent Examiner
Art Unit 1646
25 May 2006